

Document No. 4001
Voted at Meeting of 9/25/80
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF RHC & ASSOCIATES
FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
MASSACHUSETTS GENERAL LAWS (TER. ED.) CHAPTER 121A AS AMENDED
AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND
CARRIED OUT BY A LIMITED PARTNERSHIP ORGANIZED PURSUANT TO
M.G.L., C.109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT
LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A

A. The Hearing. A public hearing was held at 2:00 p.m. on September 4, 1980 in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application dated May 16, 1980 (hereinafter called the "Application"), filed by Restoration Housing Corporation on behalf of RHC & Associates for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on August 25, 1980, and September 1, 1980 in the Boston Herald American, a daily newspaper of general circulation published in Boston and mailing postage prepaid in accordance with Rule 4 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, James G. Colbert, Joseph J. Walsh, James K. Flaherty and James E. Cofield, Jr., members of the Authority, were present at the hearing.

B. The Project. The Proposed development area consists of seventeen separate parcels, several of which are contiguous, known as 24 St. Albans Road, 24, 30, 32, 36, 40, 44, 50, 52, 56, 71, 73 Fenwood Road and 52, 54, 56, 58, 68 Francis Street in the Roxbury Section of Boston. A full metes and bounds description can be found in the Application.

The Project for which the Authority's authorization and approval are sought consists of the acquisition of the Project Area and the rehabilitation, operation and maintenance of eighty-one (81) units of housing for low-income persons on the Project Area. Approximately thirty-five (35) of the units will be one bedroom units and approximately twenty-eight (28) will be two bedroom units, approximately ten (10) will be three bedroom units, and approximately eight (8) will be four bedroom units. Attached to this Application as Exhibit 2 is a site plan for the Project Area. There is attached to the Application as Exhibit 3, floor plans, elevations for two of the representative buildings in the Project Area and the outline specifications showing generally the character and quality of the construction to be used.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing, and arguments and statements made at the hearing.

D. Project Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the acquisition, rehabilitation and construction in a substandard and decadent area of decent, safe, and

sanitary housing for families and individuals. The Project Area is a decadent and substandard area because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation and in need of major maintenance and repair. The Project Area is an area containing dwellings which may be characterized as dilapidated and which, because of this condition, constitute fire hazards to the surrounding community. The Project Area contains seventeen turn-of-the-century woodframe residential buildings, all but one of which are vacant and boarded-up and which are a detriment to the health, safety and welfare of the community. At one time several major medical institutions had plans to expand by building new facilities within the Project Area. These plans to expand have now been abandoned. This change both represents and has led to a substantial change in the business and economic conditions which specially affect the Project Area. The plans for institutional expansion in this formerly stable, mixed-income neighborhood undermined the residents' confidence in the continued stability and existence of the neighborhood as a residential community. Presently all but one of the seventeen (17) buildings in the Project Area are vacant and boarded-up. Present economic conditions, including the high cost of construction, financing and marketing, make it extremely improbable that these buildings will be redeveloped by the ordinary operation of private enterprise.

For these reasons it is found that the Project Area is a decadent and substandard area within the meaning of Chapter 121A, as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private enterprise.

The Project will provide substantial financial return to the City of Boston. The amounts to be paid in lieu of real estate taxes by the Applicants are set forth in the Application. There shall be paid to the City of Boston a percentage payment in lieu of real estate taxes, in each of the forty (40) calendar years after approval of the Project.

E. Cost of the Project. In the Opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable.

The estimated minimum cost of the Project will be approximately Four Million, Thirty-Eight Thousand and Four Hundred and Forty-Nine Dollars (\$4,038,449).

The Applicant has submitted to HUD a mortgage insurance Firm Commitment application for construction and permanent financing in the amount of \$3,459,800.

The 121A Limited Partnership will pay interest on its MHFA construction loan at the estimated rate of 9.5% while the rate of interest on the permanent loan shall be between 7.5% and 9.2%. The term of the permanent loan shall be forty (40) years.

The Project will be assisted by rental assistance under Section 8 of the U.S. Housing Act of 1937, as amended, for 100% of the units. Under the Section 8 program, HUD pays that amount of the fair market rent for an apartment that exceeds 25% of the tenant's income. The term of the HUD Section 8 rental assistance is 20 years. For further details on this project's Section 8 commitment, reference is made to Exhibit Number 5 of the Appendix to this Application.

The amount to be raised by mortgage financing will be 86% of the estimated cost of the Project as the same is approved by MHFA and HUD. The construction lender shall be MHFA. The permanent lender shall be either HUD through its Tandem Plan Program or MHFA. The estimated minimum cost of the Project is \$4,038,449.

At about the time the construction loan closing with MHFA occurs, investor limited partners shall be admitted to the 121A Limited Partnership. The identity of those persons who shall become investor limited partners is not yet ascertainable. It is anticipated that the investor limited partners to be admitted to the 121A Limited Partnership shall make equity capital contributions to the Partnership in an amount equalling no less than the remaining fourteen percent (14%) of the total cost of the Project not being met with construction mortgage funds from MHFA.

Aside from the funds described above, the only other amounts raised to support the Project are those which have been advanced by Harvard University and the Greater Boston Community Development Charitable Trust in order to meet the development, architectural and organizational expenses incurred in processing the Project. The Greater Boston Community Development Charitable Trust will have no ownership interest in the Project. Harvard and Affiliated Hospitals Center, Inc. will have an option to repurchase the Project Area fifty years from the permanent loan closing on the Project.

The following are all persons, natural or corporate, who have, or prior to the completion of the Project will have, directly or indirectly, any beneficial interest in the Project:

- . RHC & Associates (the proposed 121A Limited Partnership); and
- . Restoration Housing Corporation (the Applicant); and
- . MHFA (construction lender and possible permanent lender); and
- . HUD and/or the Government National Mortgage Association (GNMA) (possible permanent lender); and
- . President and Fellows of Harvard College and Affiliated Hospitals Center, Inc. (holders of an option to repurchase the Properties fifty years from the permanent loan closing); and
- . Roxbury Tenants of Harvard Association, Inc. (RTH) (RTH is a community-based neighborhood non-profit corporation which is an affiliate of the Applicant).

Experience with similar financing and organization methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston as the Project Area comes within a classification in the Master Plan which permits buildings and uses of the kind proposed by the Applicants.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City of Boston or to the public safety and convenience and is not inconsistent with the most suitable development of the Project Area neighborhood or of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The plans of the

structure to be rehabilitated within the Project Area have been reviewed by the Design Review Staff of the Authority. The Authority finds that this Project will enhance the general appearance of the area and will furnish attractive and necessary landscaping and provide much needed low income housing in the Roxbury neighborhood. The Project will have a positive economic impact on the neighborhood surrounding the Project Area and on the City of Boston. During construction of the Project, the Project general contractor will be required, to the best of its ability, to grant preference in hiring to Boston residents.

H. Environmental Considerations. Pursuant to the provisions of regulations implementing the Massachusetts Environmental Policy Act, 301 CMR 10.32 (3) (h), the Project has been categorically excluded from the filing of any environmental report.

In order to avoid or minimize any damage to the environment, the Authority hereby requires that the applicant comply with the City of Boston Air Pollution Control Commission's Regulations for the Control of Noise and Regulations for the Control of Atmospheric Pollution during all phases of construction activity. Furthermore, if the rehabilitation involves any abrasive blasting of interior or exterior surfaces, the contractor must submit an application for an abrasive Blasting Permit to the City of Boston Air Pollution Control Commission prior to initiation of such activity.

I. Minimum Standards. The minimum standards for financing,

construction, maintenance and improvement of the Project as set forth in Appendix Item 16 to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A Section 18C, and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval all plans and specifications for the Project as the Authority may require and accept such changes and modifications thereto as the Authority may deem necessary or appropriate, and (3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the grant of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a church.

The Project does not involve the construction of units which constitute a single building under the State Building Code and zoning laws, G.L. c. 138.

Unless prevented or delayed by circumstances not reasonably within the control of the Applicant, construction will commence within fifteen (15) days after the Initial Closing of of the MHFA

construction loan. The Applicant anticipates that the Project will be substantially completed within twenty-two (22) months thereafter.

J. Zoning Code Deviations. Exhibit 10 to the Application lists the zoning code deviations requested. For the reasons set forth in the Application and the evidence presented at the hearing, the Authority finds that the deviations attached hereto and incorporated by reference as Exhibit A are necessary for the carrying out of the total project and are therefore granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations respectively.

K. Duration of Period of Tax Exemption. In addition to the base term of fifteen (15) calendar years for the Project's period of tax exemption pursuant to the provisions of Section 10 of Chapter 121A as amended by Chapter 827 of the Acts of 1975, the Applicant hereby requests and the Authority hereby approves extension of twenty-five (25) years beyond the 15 year base term for the Project's period of tax exemption. This request is based upon the fact that the Applicant is proposing a Project that is financed and subsidized under a federal program to assist the construction of low income housing. As more fully described at Section 4.b. above

L. Decision. For all the reasons set forth in the foregoing report, the Authority hereby approves the undertakings by the Applicant of the Project pursuant to Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, subject to the provisions as set forth above.

EXHIBIT A
RESTORATION HOUSING CORPORATION

ZONING DEVIATIONS

UNDER BOSTON ZONING CODE

24 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of five dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 9,000 sq. ft. to 4,090 sq. ft.

30 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with five dwelling units.

2. Dimensional Variance under Article 14 to authorize the reduction of the required total lot size of 9,000 sq. ft. to 3,420 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required open space per dwelling unit from 400 sq. ft. to 349 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to zero.

32 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with five dwelling units.

2. Dimensional Variance under Article 14 to authorize the reduction of the required total lot size of 9,000 sq. ft. to 3,420 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required open space per dwelling unit from 400 sq. ft. to 348 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to zero.

36 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling unit with a legal occupancy of four dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 8,000 sq. ft. to 3,420 sq. ft.

40 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with a legal occupancy of five dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 9,000 sq. ft. to 3,420 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 368 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to zero.

44 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with a legal occupancy of five dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 9,000 sq. ft. to 3,420 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 300 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to one.

50 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of five dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 9,000 sq. ft. to 3,670 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 383 sq. ft.

52 Fenwood Road (no variances required)

56 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of six dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 10,000 sq. ft. to 3,510 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 336 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to zero.

71 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of four dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 8,000 sq. ft. to 3,600 sq. ft.

73 Fenwood Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with a legal occupancy of four dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 8,000 sq. ft. to 3,600 sq. ft.

52 Francis Street

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of six dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 10,000 sq. ft. to 3,147 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 214 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to one.

54 Francis Street

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of six dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 10,000 sq. ft. to 3,150 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 214 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to one.

56 Francis Street

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of five dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 9,000 sq. ft. to 3,150 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 298 sq. ft.

58 Francis Street (no variances required)

68 Francis Street

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of three dwelling units to a dwelling with a legal occupancy of six dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 10,000 sq. ft. to 3,600 sq. ft.

3. Dimensional Variance under Article 17 to authorize reduction of the required usable open space per dwelling unit from 400 sq. ft. to 318 sq. ft.

4. Variance under Article 23 to reduce the required number of off-street parking spaces from three to zero.

24 St. Albans Road

1. Use Variance under Article 8 to authorize the conversion of a dwelling from a dwelling with a legal occupancy of two dwelling units to a dwelling with a legal occupancy of four dwelling units.

2. Dimensional Variance under Article 14 to authorize reduction of the required total lot size of 8,000 sq. ft. to 3,917 sq. ft.

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MEMORANDUM

September 25, 1980

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: CHAPTER 121A APPLICATION OF RHC & ASSOCIATES

On September 4, 1980, the Authority conducted a public hearing to consider the above-captioned 121A Application.

The Project consists of the acquisition, rehabilitation, operation and maintenance of eighteen parcels with the wood-frame buildings thereon constituting the Project Area, into 81 units of low-income housing for the individuals and families at 24 St. Albans Road, 24, 30, 32, 36, 40, 44, 50, 52, 56, 71, 73 Fenwood Road and 52, 54, 56, 58, 68 Francis Street in the Roxbury Section of Boston.

Authority staff has examined the Application and found that it contained sufficient evidence in support of the Project to make those findings and determinations necessary to proceed with the approval of the Project.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project.

An appropriate vote follows:

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of RHC & Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter. Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried Out by a Limited Partnership Organized Pursuant to M.G.L. c. 109 and Approval to Act as an Urban Redevelopment Limited Partnership Under Said Chapter 121A" be and hereby is approved and adopted.